

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Paulo Vicente DA SILVA  
MARQUES et al.

Group Art Unit:

Serial No.: 09/890,668

Examiner:

International Filing Date: February 7, 2000

For: WAVEGUIDE FOR AN OPTICAL CIRCUIT  
AND METHOD OF FABRICATION THEREOF

Attorney Docket No.: MCW-001US

Commissioner for Patents  
**BOX PCT**  
Washington, D.C. 20231

Certificate of Express Mailing

I hereby certify that the form, identified herein, is being deposited by me with the United States Postal Service "Express Mail Post Office to Addressee" service, Mailing Label No. **EL 931673960 US**, under 37 CFR 1.10, on the date indicated below and is addressed to the Commissioner for Patents, Box PCT, Washington, D.C. 20231

**January 15, 2002**

Date

By:

Larry Taylor

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER  
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Dear Sir or Madam:

Responsive to the *Notification of Missing Requirements Under 35 U.S.C. 371* dated September 17, 2001 in connection with the above-referenced patent application, the response period of which is extended to January 17, 2002 by the enclosed Request for Two-Month Extension of Time, an executed *Declaration, Petition and Power of Attorney* is submitted herewith.

ADJUSTMENT: 02/01/2002 FSHITH

01/25/2002 LLANDGRA 00000071 09890668

01 FC:154 -130.00 DP

Appl. Ref: 02/01/2002 FSHITH 0016582400  
AB:120080 Name/Number:09890668  
C: 704 \$130.00 CR

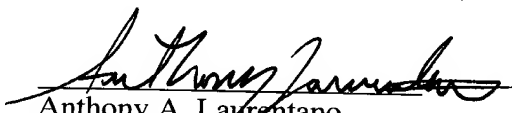
Re: U.S.S.N. 09/890,62

We further enclose (1) a check in the amount of \$130.00 to cover the surcharge fee set forth in 37 CFR 1.492(e); (2) a check in the amount of \$400 extension fee; and (3) a copy of the Notification of Missing Requirements.

Please charge any additional fees or credit any overpayments associated with this correspondence to Deposit Account No. 12-0080. A duplicate copy of this paper is enclosed. If there are any problems, please call the undersigned at the telephone number indicated below.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

  
Anthony A. Laurentano  
Registration No. 38,220  
Attorney for Applicants

28 State Street  
Boston, MA 02109  
(617) 227-7400

Date: January 15, 2002



UNITED STATES

DOCKETED

Nov 17, 2001 - Missing Pgs & Surcharge  
April 17, 2002 ESP W/SEXT

COPY

Commissioner for Patents, Box PC1  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY DOCKET NO.
09/890668	DA SILVA MARQUES	P MCW-001US
INTERNATIONAL APPLICATION NO.		
PCT/GB00/00322		
LA FILING DATE	PRIORITY DATE	
07 FEB 00	05 FEB 99	

ANTHONY A LAURENTANO  
LAHIVE & COCKFIELD  
28 STATE STREET  
BOSTON MA 02109

DATE MAILED: 17 SEP 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:

- ☒ U.S. Basic National Fee. ☐ Indication of Small Entity Status.  
☒ Copy of the international application. ☐ Translation of the international application into English.  
☒ Oath or Declaration of inventors(s). ☐ Translation of Article 19 amendments into English.  
☐ Copy of Article 19 amendments. ☐ Other:  
☒ Priority Document.  
☒ The International Preliminary Examination Report in English and its Annexes, if any.  
☐ Translation of Annexes to the International Preliminary Examination Report into English.

2. Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). **PREPAID.**

4. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN 20 OR 30 MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.  
 7. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☒ PCT/DO/EO/917  
☐ PTO-875

☐ Notice of Defective Translation  
☐ PCT/DO/EO/920

Shakeel Ahmed

Telephone: 703-305-3659

FORM PCT/DO/EO/905 (March 2001)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO. 09/890668  
FIRST NAMED APPLICANT DA SILVA MARQUES  
ATTY. DOCKET NO. P MCW-001US

ANTHONY A LAURENTANO  
LAHIVE & COCKFIELD  
28 STATE STREET  
BOSTON MA 02109

INTERNATIONAL APPLICATION NO.  
PCT/GB00/00322

I.A. FILING DATE 07 FEB 00  
PRIORITY DATE 05 FEB 99

DATE MAILED:

17 SEP 2001

**NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION**

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a),(b) and (f) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the application to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

**FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.**

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

Shakeel Ahmed

Telephone: 703-305-3659